

Billy Cepero 94730
Name
HDSF 22010 Cold Creek Rd

Indian Spring NV 89018
702-879-6789
Prison Number

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Billy Cepero,)
Plaintiff,)
vs.)
Las Vegas Metropolitan)
Police Department,)
21 defendants)
named below of)
the LVMPD)
Defendant(s).)

CASE NO. 2:11-CV-1421-BMN-GWF
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, Billy Cepero,
(Print Plaintiff's name)
who presently resides at High Desert State Prison, NV, were
violated by the actions of the below named individuals which were directed against
Plaintiff at Las Vegas, Nevada on the following dates
(institution/city where violation occurred)
excessive use of force (Count I) Assault and Battery (Count II), and Emotional and Physical injuries (Count III)

Cruel and unusual Punishment (Count IV) negligence (Count V)

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

1 - Defendant Douglas Callespie ^{work} resides at 400 Stewart Ave LVNV89101
(full name of first defendant) (address if first defendant)
and is employed as Sheriff of LVMPD This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: He is directly responsible for allowing
tactics of abuse by the officers of LVMPD

2 - Defendant Bill Cassell ^{work} resides at 400 Stewart Ave LVNV89101
(full name of first defendant) (address if first defendant)
and is employed as Spoke Person of LVMPD This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: He is responsible for addressing the media
and providing false and misleading information

3 - Defendant LT D Flynn #3028 ^{work} resides at 400 Stewart Ave LVNV89101
(full name of first defendant) (address if first defendant)
and is employed as Negotiator of LVMPD This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Allow SWAT members to proceed and
give false statement under oath at trial.

Sgt C. Leveque # 4376
4 - Defendant [REDACTED] ^{work} resides at 400 Stewart Ave LVNV89101
(full name of first defendant) (address if first defendant)
and is employed as Rope Net of LVMPD This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: in charge of all Detectives and
officers involve in event (arrest etc)

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

5- Defendant Det. L. HARD #7527^{work} resides at 400 STEWART WNV 89101,
(full name of first defendant) (address if first defendant)
and is employed as ROLE OF LVMPD. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: ~~UNDERCOVER~~
HE WAS A KEY PLAYER ON THE EVENT (UNDERCOVER)

6- Defendant Det. G. MEDALL #6527^{work} resides at 400 STEWART WNV 89101,
(full name of first defendant) (address if first defendant)
and is employed as ROLE OF LVMPD. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: HE WAS A KEY PLAYER ON THE
EVENT (UNDERCOVER) RESPONSIBLE FOR VIOLATION

7- Defendant Det. T. COLD #5584^{work} resides at 400 STEWART WNV 89101,
(full name of first defendant) (address if first defendant)
and is employed as ROLE OF LVMPD. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: HE WAS A KEY PLAYER ON THE
EVENTS (UNDERCOVER) RESPONSIBLE FOR VIOLATION

8- Defendant Det. T. FOLKE #6749^{work} resides at 400 STEWART WNV 89101,
(full name of first defendant) (address if first defendant)
and is employed as DETECTIVE OF LVMPD. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: HE WAS PART OF THE WHOLE EVENT
AND RESPONSIBLE IN SHAPE OR FORM FOR VIOLATION

**Make a copy of this page to provide the below
information if you are naming more than five (5) defendants**

9- Defendant ^{work} Det. L. Keelon #8097 resides at 400 Stewart LV NV 89101.
 (full name of first defendant) (address if first defendant)
 and is employed as Detective of LVMPD. This defendant is sued in his/her
 (defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
 acting
 under color of law: Part of the whole event and responsible in shape or form for violation

10- Defendant ^{work} Det. T. Ladke #5255 resides at 400 Stewart LV NV 89101.
 (full name of first defendant) (address if first defendant)
 and is employed as Detective of LVMPD. This defendant is sued in his/her
 (defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
 acting
 under color of law: Part of the whole event and responsible in shape or form for violation

11- Defendant ^{work} Det. P. Reslund #4373 resides at 400 Stewart LV NV 89101.
 (full name of first defendant) (address if first defendant)
 and is employed as Detective of LVMPD. This defendant is sued in his/her
 (defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
 acting
 under color of law: Part of the whole event and responsible in shape or form for violation

12- Defendant ^{work} Det. C. Lilienthal #5290 resides at 400 Stewart LV NV 89101.
 (full name of first defendant) (address if first defendant)
 and is employed as Detective of LVMPD. This defendant is sued in his/her
 (defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
 acting
 under color of law: Part of the whole event and responsible in shape or form for violation

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

13- Defendant ^{work} Det. S Devole #4410 resides at 4003 Stewart LV NV 89101.
(full name of first defendant) (address if first defendant)
and is employed as Detective of LVMPD. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Part of the whole event and responsible in shape or form for violation

14- Defendant ^{work} Det. C Neri #8395 resides at 400 Stewart LV NV 89101.
(full name of first defendant) (address if first defendant)
and is employed as Detective of LVMPD. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Part of the whole event and responsible in shape or form for violation

15- Defendant ^{work} Det. S Thomas #4913 resides at 400 Stewart LV NV 89101.
(full name of first defendant) (address if first defendant)
and is employed as Detective of LVMPD. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Part of the whole event and responsible in shape or form for violation

16- Defendant ^{work} Det. R. Kegley #4981 resides at 400 Stewart LV NV 89101.
(full name of first defendant) (address if first defendant)
and is employed as Detective of LVMPD. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Part of the whole event and responsible in shape or form for violation

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

17- Defendant ^{work} Det. T. Aiken # 2764 resides at 400 Stewart LV NV 89101
(full name of first defendant) (address if first defendant)
and is employed as Detective of WMPD. This defendant is sued in his/her
(defendant's position and title, if any)

☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: part of the whole event and responsible
in shape of form for violations

18- Defendant ^{work} Det. E. Morgan # 585 resides at 400 Stewart LV NV 89101
(full name of first defendant) (address if first defendant)
and is employed as Detective of WMPD. This defendant is sued in his/her
(defendant's position and title, if any)

☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: ~~Responsible for beating me up and~~
~~causing physical and emotional injuries~~
part of whole event and responsible for violations

19- Defendant ^{work} J. Bonkarich # 6961 resides at 400 Stewart LV NV 89101
(full name of first defendant) (address if first defendant)
and is employed as SWAT of WMPD. This defendant is sued in his/her
(defendant's position and title, if any)

☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Responsible for beating me up
and causing physical and emotional injuries

20- Defendant ^{work} M. Fowler # 3707 resides at 400 Stewart LV NV 89101
(full name of first defendant) (address if first defendant)
and is employed as SWAT of WMPD. This defendant is sued in his/her
(defendant's position and title, if any)

☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Responsible for beating me up and
causing physical and emotional injuries

21- Defendant W. MARX #5649 ^{work} resides at 400 Stewart W. N.J. 89101
 (full name of first defendant) (address if first defendant)
 and is employed as SWAT of LVM PD. This defendant is sued in his/her
 (defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
 acting

under color of law: Responsible for beating me up and
causing physical and emotional injuries

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

* BE ADVISED: I'm untrained on the law, filing of
motion and don't fully comprehend the english language

B. NATURE OF THE CASE

1) Briefly state the background of your case.

After A month of Harassment and threat to my
friend and family members against my life by LVM PD
"Rope detectives". I was located on 8-26-09 by LVM PD.
Upon SWAT contacting me, they found me wearing
boxer shorts only lying down on my stomach
on the bathroom floor of A 458 Maple St Apt's.
However, I was punch, kick, hit with canister until
I fainted. Do to injuries, I was taken to the
Umc Emergency Unit where several stitches were
put on my face, inside my mouth, my nose had to
be pulled out of my face and where the doctor
ordered surgery because my right shoulder was broken.

C. CAUSE OF ACTION

COUNT I

The following civil rights has been violated: _____

Excessive use of force

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

I don't know exactly the name of ALL SWAT members who executed the actual arrest. However Defendant # 19, 20, and 21 show on my police arrest report as been the ones who were lead and made contact with me.

SWAT members kick me, punch me hit me with canister cans even though I was found only wearing boxers, no weapons and lying on the floor face down.

Others, including Pope and SWAT member of the LVM PD could be involve since there is more than 3 SWAT members per team.

But I fainted, I was facing down upon their entry and they wear mask.

COUNT II

The following civil rights has been violated:

Assault And Battery

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Police detectives steadily HARASS on their task to find my friends and family. Pulled my mother over several times and told them they will shoot me on site if I ran (Assault) once again, police detective work on-decovered in this instant defendant 4 to 18.

SWAT teams members beat me up during Arresting me, others could be involve but do to the fact I couldn't see or know exactly defendant 19 to 21 are directly responsible (Battery) ~~Defendant 22 to 24~~

*Plaintiff uncertain on the law and don't comprehend.

COUNT III

The following civil rights has been violated: _____

Emotional and physical injuries

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

All defendants besides 1 and 2 are directly responsible for campaigning with verbal threats against my life, safety and well being. Threats which they made good on upon their final contact with me where they beat me up causing several lacerations throughout my body, an ending result of a slight-ly crooked nose After UNC Doctor pull it out and resulting on Surgery to my right shoulder were 4 screws had to be in place. injuries to which as of today remain and right arm being incapacitated. they broke my shoulder, me, friends and family are left with emotional injury.

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? ☐ Yes ☐ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

COUNT IV

The following civil rights has been violated:

Cruel and unusual Punishment

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendants 5 to 21 were involve
on the infliction of Pain wantonly
and unnecessary
• Several stitches do to the multiple
lacerations made by defendants
• Nose had to be pulled out of my
face
• my shoulder had to be operated
and 4 pins place on it

All do to Defendants Actions
even though I posed no harm.

injury All permanent and unjust

* Once again BE ADVICE I am uncertain
on the way. Filing of documents and
don't fully comprehend the English
language.

COUNT **■ V**

The following civil rights has been violated: _____

negligence

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Defendant 1 to 4
fail on their duty to
keep me safe and
didn't use reasonable
care on their perfor-
mance as supervisor and
in charge of the event. They
allowed, directed others par-
ticipating members to pro-
ceed with tactics knowingly
and with indifference as to adden-
sing and misinformation of the public,
allowing tactics of abuse and harm,
promoting unethical performance
by them self and members under
their supervision. Breaching their
official duty and ethical of the
very departments policy.

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? ____ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

However, this is A Re do of A previous sent outline). Hand written type of this issue.

- a) Defendants: _____
- b) Name of court and docket number: _____
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):

- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?**
___ Yes ☒ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____

- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes _____ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) _____ disciplinary hearing; (2) _____ state or federal court decision; (3) _____ state or federal law or regulation; (4) _____ parole board decision; or (5) _____ other _____.

If your answer is "Yes", provide the following information. Grievance Number 2006-29-21151
Date and institution where grievance was filed 5-8-11.

Response to grievance: 3098 - non grievable issue
LVMP issues cannot be addressed
through the DOC grievance system

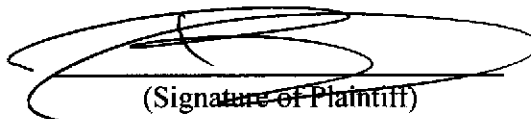
E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

- A-Compensatory damage against all defendants jointly & severally
- B-Punitive Damage against each defendant
- C-Injunction against all defendants
- D-A Declaration of Acts and omission on violation of USCA
- E-A Jury trial on all issues triable by Jury
- F-Plaintiff cost in this suit
- G-Additional relief this Court deems just, proper and equitable

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)


(Signature of Plaintiff)

August 24-2011
(Date)

(Additional space if needed; identify what is being continued)

